

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HERMAN MANDEL,

Plaintiff,

-against-

Civil Action No.:

**COMPLAINT**

ENHANCED RECOVERY COMPANY, LLC,

Defendant.

**DEMAND FOR JURY TRIAL**

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Plaintiff HERMAN MANDEL (“Plaintiff”), by and through his attorneys, THE LAW OFFICE OF ALAN J. SASSON, P.C., as and for his Complaint against the Defendant ENHANCED RECOVERY COMPANY, LLC (“Defendant”), respectfully sets forth, complains and alleges, upon information and belief, the following:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this action on its own behalf for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”) and New York General Business Law §349.

**PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 1514 55<sup>th</sup> Street, Brooklyn, New York 11219.

3. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. 1692a(3).

4. Defendant is a limited liability company organized and existing under the laws of Delaware, and is engaged in the business of debt collecting, with its principal place of business located at 8014 Bayberry Road, Jacksonville, Florida 32256.

5. Defendant is a “debt collector” as the phrase is defined and used in the FDCPA under 15 U.S.C. §1692a(6).

### **JURISDICTION AND VENUE**

6. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331, as well as 15 U.S.C. §1692 et seq. and 28 U.S.C. §2201.

7. The Court has supplemental jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

9. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “8” herein with the same force and effect as if the same were set forth at length herein.

10. On information and belief, in approximately March of 2013, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt from the Plaintiff.

11. The alleged debt is a “debt” as defined by 15 U.S.C. §1692a(5).

12. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by repeatedly calling the Plaintiff at his family’s shared house number, 718-431-8830, on March 11, 2013.

13. The message on the voice mail states: “You have reached the Mandel family”, indicating that more than one person shares that phone number.

14. A third party, the Plaintiff's daughter — Chaya Mandel — called the Defendant back at the call back number on the Caller ID and the Defendant revealed to her that they were debt collectors attempting to collect an alleged debt from the Plaintiff.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. 15 USC §1692 c(b) prohibits a debt collector from disclosing to unauthorized third parties that they are a debt collector attempting to collect a debt from a consumer.

17. The Defendant violated 15 USC §1692c (b) by disclosing to a third party, the Plaintiff's daughter — Chaya Mandel — that they were debt collectors attempting to collect an alleged debt from the Plaintiff.

18. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

19. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 U.S.C. §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 U.S.C.

§1692k(a)(3);

- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff HERMAN MANDEL hereby respectfully requests a trial by jury for all claims and issues in his Complaint to which he is or may be entitled to a jury trial.

Dated: Brooklyn, New York  
May 17, 2013

Respectfully submitted,

By: /s/ Alan J. Sasson  
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